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54004 7590 10/14/2010  
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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3691

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10/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/996,576	<b>Applicant(s)</b> AUDEBERT ET AL.	
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-22 and 26-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-22 and 26-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                     |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                         | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/10 has been entered.

#### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-22, 26-48, are rejected under 35 U.S.C. 103(a) as being unpatentable over Freney, Jr U.S Patent 6, 970, 850 in view Foldare et al (Hereinafter Foladare US Patent: 5, 914, 472).

As per claim 1, Freney, Jr discloses a network enabled online transaction risk management system comprising:

at least one financial services server for processing a financial transaction request received over said network for at least one customer account wherein customer preferences for said at least one customer account are remotely configurable over said network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47)  
at least one client in processing communications with said at least one financial services server over said network, wherein the at least one client includes including a section for remote configuration of said at least one customer account using the customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

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Freeny, Jr fails to explicitly teach at least one point of sales terminal in processing communications with said at least one financial services server, wherein the at least one point of sales terminal includes including a section for performing said financial transaction with said financial services server , notification section that sends a notification to the at least one customer if a characteristic of the financial transaction exceeds a first preference of the customer preferences and an authorization section for performing that sends an authorization request is sent to said at least one customer if the characteristic of said financial transaction exceeds a second preference of said customer preferences, wherein the financial transaction is not completed unless a response to the authorization request is received.

However Foladare discloses if the ancillary card transaction amount exceeds the predetermined account holder spending limit the central computer retrieves from the database a phone number, pager number or other personal communications number for the account holder at step 110. In step 112, the central computer initiates contact with the account holder. When contact with the account holder is established, the central computer transmits display or voice request informing the account holder that an ancillary card is being used for a transaction, and that the transaction has exceeded the predetermined spending limit according to step 114. Additional information may be included, for example, the location of the pending transaction, what is being purchased, or the name of the merchant. The central computer requests approval/refusal from the account holder for the requested transaction. If the account holder approves the increased transaction amount.(see column 4 lines 11-57 and column 5 lines 9-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freeny, Jr to include at least one point of sales terminal in processing communications with said at least one financial services server, wherein the at least one point of sales terminal includes including a section for performing said financial transaction with said financial services server , notification section that sends a notification to the at least one customer if a characteristic of the financial transaction exceeds a first preference of the customer preferences and an authorization section for performing that sends an authorization request is sent to said at least one customer if the characteristic of said financial transaction exceeds a second preference of said customer preferences, wherein the financial transaction is

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not completed unless a response to the authorization request is received taught by Foladare in order authenticate and authorization a financial transaction.

As per claim 4, Freeny, Jr discloses wherein said first preference of the one or more customer preferences includes a transaction limits limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 5, Freeny, Jr discloses wherein said second preference of the one or more customer preferences includes an authorization limits limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 6, Freeny, Jr discloses further comprising:  
an account suspension section that suspends the at least one customer account if the characteristic of the financial transaction exceeds a third preference of the customer preferences, wherein said third preference of the one or more customer preferences includes an account suspension limits limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 7, Freeny, Jr discloses wherein said customer preferences include single transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 8, Freeny, Jr discloses wherein said customer preferences include cumulative transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 9, Freeny, Jr discloses L wherein said customer preferences include an applicable time period (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 10, Freeny, Jr discloses wherein said at least one financial services server authenticates said at least one customer before allowing said at least one customer access to said at least one customer account (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

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As per claim 11, Freeny, Jr discloses wherein said communications is performed using a secure messaging protocol (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 12, Freeny, Jr discloses wherein said network includes the Internet (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 13, Freeny, Jr discloses wherein said network includes a public telephone service network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 14, Freeny, Jr discloses wherein said network includes a cellular telephone network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 15, Freeny, Jr discloses wherein said network includes a cable television network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 16, Freeny, Jr discloses wherein said notification section includes a cellular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 17, Freeny, Jr discloses wherein said notification section includes a pager (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 18, Freeny, Jr discloses wherein said notification section includes a regular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 19, Freeny, Jr discloses wherein said notification section includes electronic mail (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 20, Freeny, Jr discloses wherein said notification section includes a personal data assistant (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

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As per claim 21, Freeny, Jr discloses 21. (Previously presented) The system according to claim 1 wherein said notification section includes a television equipped with a set top box (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 22, Freeny, Jr discloses further including comprising:  
a comparator section that compares characteristics of financial transactions received from said at least one point of sales terminal to said customer preferences (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 26 Freeny, Jr discloses a method for reducing financial transaction risk~ comprising:  
establishing networking communications between a client and a financial services server by at least one customer wherein said financial services server is in processing communications with at least one point of sale terminal (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47) accessing an account on said financial services server owned by said at least one customer entering customer preferences, wherein the customer preferences are remotely configurable over a network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Freeny, Jr fails to explicitly teach comparing a characteristic of a financial transaction received from said at least one point of sales terminal to said customer preferences, sending a notification to said at least one customer if said financial transaction characteristic exceeds a first preference of said customer preferences and sending an authorization request requesting authorization of said at least one customer if said financial transaction characteristic exceeds a second preference of said customer preferences, wherein the financial transaction is not completed unless a response to the authorization request is received.

However Foladare discloses if the ancillary card transaction amount exceeds the predetermined account holder spending limit the central computer retrieves from the database a phone number, pager number or other personal communications number for the account holder at step 110. In step 112, the central computer initiates contact with the account holder. When

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contact with the account holder is established, the central computer transmits display or voice request informing the account holder that an ancillary card is being used for a transaction, and that the transaction has exceeded the predetermined spending limit according to step 114. Additional information may be included, for example, the location of the pending transaction, what is being purchased, or the name of the merchant. The central computer requests approval/refusal from the account holder for the requested transaction. If the account holder approves the increased transaction amount.(see column 4 lines 11-57 and column 5 lines 9-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freeny, Jr to include at least one point of sales terminal in processing communications with said at least one financial services server, wherein the at least one point of sales terminal includes including a section for performing said financial transaction with said financial services server , notification section that sends a notification to the at least one customer if a characteristic of the financial transaction exceeds a first preference of the customer preferences and an authorization section for performing that sends an authorization request is sent to said at least one customer if the characteristic of said financial transaction exceeds a second preference of said customer preferences, wherein the financial transaction is not completed unless a response to the authorization request is received taught by Foladare in order authenticate and authorization a financial transaction.

As per claim 27, Freeny, Jr discloses further comprising:  
authenticating said customer to said financial services server (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 28, Freeny, Jr discloses wherein said networking communications includes using the Internet (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 29, Freeny, Jr discloses wherein said networking communications includes using a public telephone service network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).



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As per claim 30, Freeny, Jr discloses wherein said networking communications includes using a cellular telephone network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 31, Freeny, Jr discloses wherein said networking communications includes using a cable television network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 32, Freeny, Jr discloses wherein said first preference of the one or more customer preferences includes a transaction limits limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 33, Freeny, Jr discloses wherein said second preference of the –customer preferences includes an authorization limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 34, Freeny, Jr discloses further comprising:  
suspending the account of the at least one customer if the financial transaction characteristic exceeds a third preference of said customer preferences, wherein said third preference of the one or more customer preferences includes an account suspension limits limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 35, Freeny, Jr discloses wherein said customer preferences include single transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 36, Freeny, Jr discloses wherein said customer preferences include cumulative transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 37, Freeny, Jr discloses wherein said customer preferences include an applicable time period (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 38, Freeny, Jr discloses wherein said notification is performed through a cellular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

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As per claim 39, Freeny, Jr discloses wherein said notification is performed through a pager (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 40, Freeny, Jr discloses wherein said notification is performed through a regular telephone (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 41, Freeny, Jr discloses wherein said notification is performed through electronic mail (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 42, Freeny, Jr discloses wherein said notification is performed through a personal data assistant (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 43, Freeny, Jr discloses 26 wherein said notification is performed through a television equipped with a set top box (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 44, Freeny, Jr discloses a non-transitory computer readable medium storing software for reducing financial transaction risk, the software comprising: executable code that establishes networking communications for at least one customer between a client and a financial services server(see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47) wherein the financial services server is in processing communications with at least one point of sale terminal, executable code that accesses an account on the financial services server owned by the at least one customer, executable code that enters customer preferences, wherein the customer preferences are remotely configurable over a network (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

Freeny, Jr fails to explicitly teach executable code that compares a characteristic of a financial transaction received from the at least one point of sales terminal to the customer preferences, executable code that sends a notification to the at least one customer if the financial transaction characteristic exceeds a first preference of the customer preferences and executable code that sends an authorization request requesting authorization of the at least one customer if

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the financial transaction characteristic exceeds a second preference of the customer preferences, wherein the financial transaction is not completed unless a response to the authorization request is received.

However Foladare discloses if the ancillary card transaction amount exceeds the predetermined account holder spending limit the central computer retrieves from the database a phone number, pager number or other personal communications number for the account holder at step 110. In step 112, the central computer initiates contact with the account holder. When contact with the account holder is established, the central computer transmits display or voice request informing the account holder that an ancillary card is being used for a transaction, and that the transaction has exceeded the predetermined spending limit according to step 114. Additional information may be included, for example, the location of the pending transaction, what is being purchased, or the name of the merchant. The central computer requests approval/refusal from the account holder for the requested transaction. If the account holder approves the increased transaction amount.(see column 4 lines 11-57 and column 5 lines 9-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freeny, Jr to include executable code that compares a characteristic of a financial transaction received from the at least one point of sales terminal to the customer preferences, executable code that sends a notification to the at least one customer if the financial transaction characteristic exceeds a first preference of the customer preferences and executable code that sends an authorization request requesting authorization of the at least one customer if the financial transaction characteristic exceeds a second preference of the customer preferences, wherein the financial transaction is not completed unless a response to the authorization request is received taught by Foladare in order authenticate and authorization a financial transactions.

As per claim 45, Freeny, Jr discloses wherein the first preference of the customer preferences includes a transaction limit, and wherein the second preference of the customer preferences includes an authorization limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 1, Freeny, Jr discloses further comprising:  
executable code that suspends the account of the at least one customer if the financial transaction

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characteristic exceeds a third preference of the customer preferences, wherein the third preference of the customer preferences includes an account suspension limit (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 47, Freeny, Jr discloses wherein the customer preferences include single transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

As per claim 48, Freeny, Jr discloses wherein the customer preferences include cumulative transactions (see column 6 lines 38-48 and column 13 lines 39-65 and column 14 lines 1-24 and column 9 line 65 and column 10 lines 1-47).

### **Conclusion**

#### **Response to Arguments**

4. Applicant's arguments filed 9/15/10 has been fully considered but they moot in view of new grounds of rejections.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit  
3691

CG

September 27, 2010